

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-105918-001 DT

12/19/2008

HON. GARY E. DONAHOE

CLERK OF THE COURT

S. Yoder

Deputy

STATE OF ARIZONA

ZACH MURPHY

v.

MARCUS LADALE DAMPER (001)

DOB: 01/03/1989

MONIQUE WILHITE

APO-SENTENCE IMPRISON-CCC

APPEALS-CCC

AZ DEPT OF CORRECTIONS-PHOENIX

DISPOSITION CLERK-CSC

RFR

VICTIM SERVICES DIV-CA-CCC

SENTENCE OF IMPRISONMENT

9:49 a.m. This is the time set for Sentencing.

State's Attorney:	Zach Murphy
Defendant's Attorney:	Monique Wilhite
Defendant:	Present
Court Reporter:	Jovanna Roman

Hugo Ortiz, the victim's brother, makes statements to the Court.

Cathy Spencer Bain, Defendant's aunt; and Defendant's cousins, Marcus Jerome Damper and Jermine Maurice Damper, make statements to the Court.

Count(s) 1 and 3: The Defendant was found guilty after a trial by jury.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-105918-001 DT

12/19/2008

IT IS THE JUDGMENT of the Court Defendant is guilty of the following:

OFFENSE: Count 1 (Count I for Jury Presentation): Second Degree Murder
Class 1 Dangerous Felony

A.R.S. § 13-1101, 1104, 710, 702, 702.01, 801, and 604(P)

Date of Offense: 01/21/2008

Dangerous pursuant to A.R.S. § 13-604 - Non Repetitive

OFFENSE: Count 3 (Count II for Jury Presentation): Misconduct Involving Weapons
Class 4 Felony

A.R.S. § 13-3101, 3102, 701, 702, 702.01, and 801

Date of Offense: 01/21/2008

Non Dangerous - Non Repetitive

AS PUNISHMENT, IT IS ORDERED Defendant is sentenced to a term of imprisonment and is committed to the Arizona Department of Corrections as follows:

Count 1: 18 year(s) from 12/19/2008

Presentence Incarceration Credit: 328 day(s)

Slightly Aggravated

Sentence is concurrent with Count 3 of this cause number and CR2006-005115-001DT.

Count 3: 4.5 year(s) from 12/19/2008

Presentence Incarceration Credit: 328 day(s)

Presumptive

Sentence is concurrent with Count 1 of this cause number and CR2006-005115-001DT.

IT IS ORDERED the Defendant shall pay through the Clerk of the Superior Court:

RESTITUTION: Count 1 - \$18,919.44 to the following victim(s) in the following amounts:

Jaime Vega (Individual) \$18,919.44

No restitution ledger provided.

Restitution shall be paid monthly in an amount to be determined by the Arizona Department of Corrections in compliance with A.R.S. § 31-230.

ASSESSMENTS:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-105918-001 DT

12/19/2008

Count 1: PROBATION SURCHARGE: \$10.00.

Count 1: Time payment fee pursuant to A.R.S. § 12-116 in the amount of \$20.00.

Count 3: PROBATION SURCHARGE: \$10.00.

The Arizona Department of Corrections/Community Service shall notify the Clerk of the Court of Maricopa County of Defendant's release from custody via e-mail cforensponse@mail.maricopa.gov. The Clerk of the Court, upon said notification, shall furnish financial information for a Criminal Restitution Order for Judicial signature for any unpaid monies to date.

Community Supervision: Count(s) 1 and 3 - Imposed pursuant to A.R.S. § 13-603(I).

IT IS FURTHER ORDERED that Defendant must submit to Deoxyribonucleic Acid (DNA) testing for law enforcement identification purposes and pay the applicable fee for the cost of that testing in accordance with A.R.S. § 31-281.

IT IS ORDERED authorizing the Sheriff of Maricopa County to deliver the Defendant to the Arizona Department of Corrections to carry out the term of imprisonment set forth herein.

IT IS ORDERED the Clerk of the Superior Court remit to the Arizona Department of Corrections a copy of this Order or the Order of Confinement together with all presentence reports, probation violation reports, and medical and psychological reports that are not sealed in this cause relating to the Defendant.

The presentence investigation report is filed under CR2008-105918-001DT.

10:35 a.m. Matter concludes.

ISSUED: Order of Confinement - Certified Copy to DOC via MCSO

Later:

LET THE RECORD REFLECT that the sentence as to Count 1 is a flat time sentence.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2008-105918-001 DT

12/19/2008

Defendant's thumbprint is permanently affixed to this sentencing order in open court.

/s/ HON. GARY E. DONAHOE
JUDGE OF THE SUPERIOR COURT

(thumbprint)